

## REMARKS

Claims 1-27 are pending in this application. Claims 1-3 and 6 have been rejected under 35 U.S.C. § 102(b). Claims 1-27 have been rejected under 35 U.S.C. § 103(a). Claims 24-27 have been rejected under 35 U.S.C. § 112. Claims 1, 12, 21 and 24 have been amended. No new matter has been added. Reexamination and reconsideration are respectfully requested.

### Rejection Under 35 U.S.C. §112

The Examiner has rejected claims 24-27 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or whether which it is most nearly connected, to make and/or use the invention. In particular, the Examiner asserts that a camera for capturing "a first and a second image" is not enabled in the specification. This rejection is respectfully traversed.

The application, on page 7, lines 19-20, as originally filed, recites "as shown in Figure 1 each camera 8a, 8b produces images wide enough to encompass one traffic lane." Thus, the specification recites that each camera produces *multiple* images, not simply a single image. Accordingly, as one of ordinary skill in the art would readily understand, each camera may produce a first image and a second image. Thus, the recitation of a first and second image in claims 24-27 is enabled by the specification as originally filed. Accordingly, withdrawal of the rejection of claims 24-27 under 35 U.S.C. §112 is respectfully requested.

### Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-3 and 6 under 35 U.S.C. §102(b) as being anticipated by Stout et al., U.S. Patent No. 4,922,339. Applicant respectfully traverses this rejection. However, applicant has amended claim 1 to further clarify embodiments of applicant's invention over the art cited by the Examiner. The amendments to claim 1 are for clarification purposes only and are not intended as amendments to overcome the art cited by the Examiner and, accordingly, are not intended to be amendments falling within the purview of *Festo*.

Claim 1 now recites a system for collecting and organizing data comprising, *inter alia*, a data base management system for organizing video images and data associated with a transaction into a data base, wherein the database management system *accepts queries* and

organizes the video images and the data associated with the transaction and response to the queries. This feature is not disclosed or suggested in Stout.

Stout is directed toward a system and method for visual surveillance and documentation. The Examiner asserts that Stout discloses a video camera for capturing video images of a transaction, an input device for collecting data associated with the transaction and a database management system for organizing the video images and the data associated with the transaction into a database. However, the "database management system" noted by the Examiner is simply a video tape recorder (VTR) which records images and, optionally, gives a time/date stamp to the image. (See Stout, col. 6, lines 48-58.) It may be argued that the VTR in Stout is not a "database," and certainly not a "database management system," in the modern sense of the term. Rather, the VTR in Stout is simply a storage device. Indeed, the VTR of Stout bears little resemblance to the database management system claimed by Applicant.

The database management system claimed by Applicant is a modern database management system in an information technology sense in that it allows video images of the transaction and data associated with the transaction to be "managed" rather than acting simply as a storage device. In other words, the database management system allows users to issue queries, i.e., requests for particular views of the data within the database management system, processes those queries and provides for the processing and organization of the data in the database management system so that the system can respond to the queries. The database management system claimed by Applicant allows users to see multiple views of the data stored in the system, a feature not possible with simple storage devices that do nothing more than simply store data in table form. The database management system claimed by Applicant is *not* simply a storage device and is typically implemented using a computer system. Thus, it is a far cry from the simple video tape recorder disclosed by Stout.

Accordingly, there are features claimed by Applicant in claim 1 that are not disclosed or suggested in Stout. Therefore, Stout cannot anticipate claim 1. Moreover, because claims 2, 3 and 6 depend either directly or indirectly from claim 1, Stout can not anticipate these claims either. Withdrawal of the rejection of claims 1-3 and 6 under 35 U.S.C. §102 is respectfully requested.

### **Rejection Under 35 U.S.C. §103**

The Examiner has rejected claims 1-10, 21 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Katz, U.S. Patent No. 5,920,338 in view of Stout. In addition, the Examiner has rejected claims 11-20, 22, 23 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Katz, in view of Stout, and further in view of Odle, U.S. Patent No. 5,491,511. These rejections are respectfully traversed. However, applicant has amended claims 1, 12, 21 and 24 to further clarify embodiments of applicant's invention over the cited art. The amendments to claims 1, 12, 21 and 24 are for clarification purposes only and are not intended as amendments to overcome the art cited by the Examiner and, accordingly, are not intended to be amendments falling within the purview of *Festo*.

Claims 12, 21 and 24 have been amended in a manner similar to claim 1, described previously, in that a database management system accepts queries and organizes images and data related to transactions in response to such queries. These features are not disclosed or suggested in Stout, Katz or Odle.

Katz is directed toward a surveillance system that can store and replay information that is not generated contemporaneously. The Examiner admits that Katz fails to disclose or suggest a single database that is used to store both the video image of a transaction and the transaction data. Moreover, the transaction database noted by the Examiner is simply a computer with information stored on a magnetic medium. (See Katz, col. 4, lines 35-52.) Thus, the Katz system may include nothing more than a computer with a hard drive or a floppy disk and, similar to Stout, is simply a storage system. There is no disclosure or suggestion in Katz of a database management system that accepts queries and organizes images and data related to transactions in response to such queries as claimed by Applicant.

Odle is directed toward a multimedia capture and audit system for a video surveillance network. In Odle, a mixed composite video signal containing both the visual record and a digital record of a transaction is stored, like Stout, on a video cassette recorder. (Odle, col. 5, lines 29-35.) There is no database management system that accepts queries and organizes image and data in response to such queries disclosed or suggested in Odle as claimed by applicant.

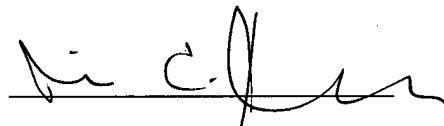
Accordingly, the Katz and the Odle references do not make up for the deficiencies of the Stout reference. Thus, there are features of embodiments of the invention as claimed by Applicant that are not disclosed or suggested in Stout, Katz or Odle and, therefore, a *prima facie* case of obviousness cannot be made. Accordingly, claims 1, 12, 21 and 24 in the claims depending therefrom can not be obvious in view of Stout, Katz and Odle. Withdrawal of the rejection of claims 1-27 under 35 U.S.C. § 103 is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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